

REMARKS

This is in response to the Official Action dated May 1, 2009. Claims 7 and 19 have been amended, claims 6 and 18 have been canceled, and no claims have been added; as such, claims 1-5, 7-17 and 19 are now pending in this application. Claims 1, 5, 7-8, 17 and 19 are independent claims. Reconsideration and allowance is requested in view of the claim amendments and the following remarks. No new matter has been added by this amendment.

35 USC 101 Rejections

Claims 7 and 19 have been rejected under 35 U.S.C. § 101 based upon the allegation that the claimed invention is directed to non-statutory subject matter, particularly a software application.

Applicant appreciates the Examiner's attention to the claim in this regard, and has modified the claim to recite computer-related article of manufacture claims, which are clearly a properly recited statutory category of invention.

Applicant respectfully requests the rejection of claims 7 and 19 under 35 U.S.C § 101 be withdrawn.

35 USC § 102 Rejections

Claims 1-19 have been rejected under 35 U.S.C. § 102(b) as being as being anticipated by Willis et al (WO 01/35650, hereinafter referred to as "Willis '650"). Applicant respectfully traverses this rejection.

Claim 1 recites:

A recording apparatus for dividing a video stream into data segments, each data segment containing at least one frame of video data, and recording data onto a data recording medium on a per data segment basis, comprising:

information generating means for generating additional data, separate from the video stream, containing additional information regarding the relationship between

the video data contained in one data segment and the video data contained in another data segment or additional information regarding characteristics of the video data contained in each data segment,

multiplexing means for multiplexing the additional data with the data segment at a predetermined position thereof, and

recording control means for controlling the recording of the data segment onto the data recording medium.

Willis '650 fails to teach, disclose, or suggest a "information generating means for generating additional data, separate from the video stream, containing additional information regarding the relationship between the video data contained in one data segment and the video data contained in another data segment or additional information regarding characteristics of the video data contained in each data segment."

Thus, Willis '650 fails to teach, disclose, or suggest a "multiplexing means for multiplexing the additional data with the data segment at a predetermined position thereof."

The Office Action, however, alleges these features can be found in page 2, lines 22-29 and Fig. 3 of Willis '650. This is wholly inaccurate.

Page 2, lines 22-29 of Willis '650 states:

Typically, the VOBUs contain about 12 or 16 pictures, together with associated audio data. Further, each VOBUs begins with exactly one navigation pack (NV-PCK). The NV-PCK conventionally contains presentation control information (PCI) as well as disc search information (DSI) for the video object unit in which they are included. The presentation control information contains details of the timing and presentation of a program. The disc search information is composed of relative addresses of NV packs of VOBUs in the forward and backward directions. Each NV-PCK also includes the data size of the first reference picture in a GOP and the end address for the first three reference pictures in the VOBUs. This is the only clue given as to the structure of the VOBUs.

Clearly, there is no mention of information generating means for generating additional data, separate from the video stream in Willis '650.

Moreover, the lack of an “information generating means for generating additional data, separate from the video stream” can be seen with regard to Fig. 3 of Willis ‘650 and Fig. 7 of Applicant’s invention below.

Fig. 3 of Willis ‘650:

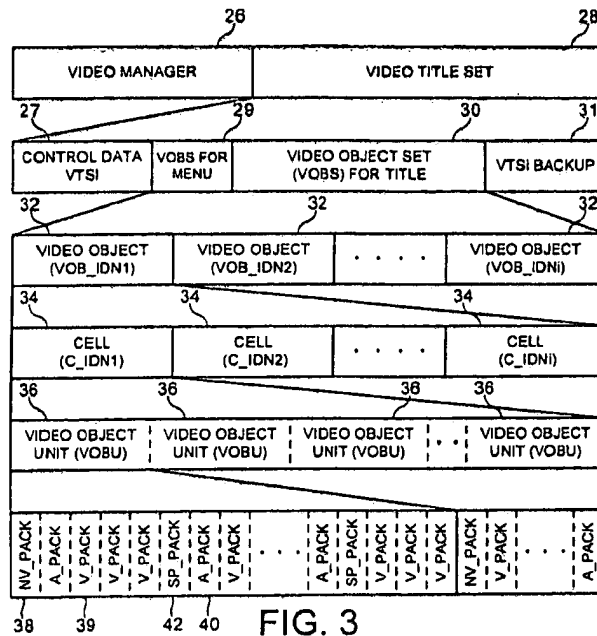
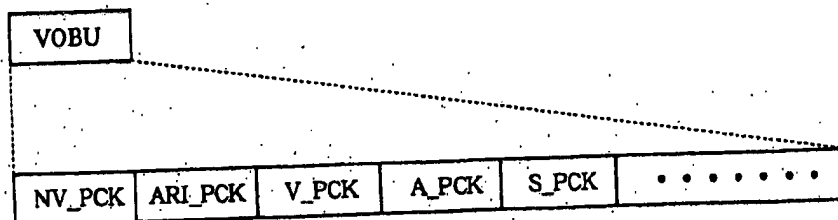


Fig. 7 of Applicant’s invention:



Though Willis’ 650 have NV-Packs, V_Packs, A_Packs, and S_Packs, Willis ‘950 does not include the features of a ARI_Pack. The ARI_Pack is a pack of additional information related

to data and contained in the VOBUs that contain additional information regarding the relationship between the video data contained in one data segment and the video data contained in another data segment or additional information regarding characteristics of the video data contained in each data segment. An "information generating means for generating additional data, separate from the video stream" is completely absent from Willis '650.

For reasons similar to those provided regarding claim 1, independent claims 5-8, and 17-19 are similarly neither disclosed nor suggested by Willis '950. Dependent claims 2-4 and 9-16 are also neither disclosed nor suggested by Willis '950, for their incorporation of the distinct features recited in the respective independent claims, as well as for their own separately recited patentably distinct features.

Accordingly, Applicant respectfully requests that the rejection of claims 1-19 under 35 U.S.C. § 102(b) as being anticipated by Willis '950 be withdrawn.

Conclusion

In view of the above amendment and remarks, applicant believes the pending application is in condition for allowance.

This response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments supporting the patentability of their claims, including the separate patentability of the dependent claims not explicitly addressed herein, in future papers. Further, for any instances in which the Examiner took Official Notice in the Office Action, Applicant expressly does not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

Application No. 10/572,791
Amendment dated July 24, 2009
Reply to Office Action of May 1, 2009

Docket No.: SON-3402

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-3402 from which the undersigned is authorized to draw.

Dated: July 24, 2009

Respectfully submitted,

By 

Christopher M. Tobin

Registration No.: 40,290

RADER, FISHMAN & GRAUER PLLC

Correspondence Customer Number: 23353

Attorneys for Applicant